

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

GEORGE A. JACKSON, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C. A. No. 05-823-***
	)	
STANLEY TAYLOR, et al.,	)	JURY TRIAL REQUESTED
	)	
Defendants.	)	

**DEFENDANTS' RESPONSE TO PLAINTIFF'S REQUEST FOR  
LEAVE TO TAKE DEPOSITIONS AT DEFENDANTS' EXPENSE**

Defendants oppose Plaintiff's *Letter to Court from George Jackson regarding discovery dispute (request to take depositions) (D.I. 221)*. In support thereof, Defendants state as follows:

1. Plaintiff George Jackson ("Plaintiff Jackson") seeks a Court order directing Defendants to depose all twenty-five (25) Plaintiffs in the instant matter for Plaintiff Jackson to "use as evidence." [D.I.221] Plaintiff Jackson cites Defendants' "means and financial resources through the Department of Justice and Department of Correction" as justification to shift the onus of conducting depositions to Defendants. *Id.*

2. Defendants cannot be compelled to depose a party by Plaintiff Jackson. *See Fed. R. Civ. P. 30*. If Plaintiff Jackson wishes to depose his fellow Plaintiffs, he must do so at his own expense and initiative.

3. Fed. R. Civ. P. 30 allows Plaintiff Jackson to take the deposition of the other Plaintiffs, with leave of court as required for those who are incarcerated. *Id.*

4. Fed. R. Civ. P. 30 and 31 permit Plaintiff Jackson to take a maximum of ten depositions without obtaining leave of court. *Fed. R. Civ. P. 30(a)(2)(A) and Fed. R. Civ. P.*

31(a)(2)(A). On July 27, 2007, the Court permitted Jackson to depose seven (7) defendants pursuant to Fed. R. Civ. P. 31. [*D.I. 188*].

5. Defendants have neither discussed nor stipulated to the increased number of depositions proposed by Plaintiff Jackson in his motion, as required by Fed. R. Civ. P. 30(a)(2)(A) and Fed. R. Civ. P. 31(a)(2)(A).

6. Defendants do not intend to depose all Plaintiffs in the instant action. In its Scheduling Order of August 16, 2007, *D.I. 193*, the Court limited depositions for both sides to “a total of 15 hours of taking testimony by deposition upon oral examination.”

7. Previously, Jackson filed a motion for leave to depose defendants, asking for an order directing defendants to arrange his depositions. *D.I. 164*. The District Court issued a Memorandum Order, *D.I. 185*, noting that “[a]lthough Jackson is *pro se*, that does not mean defendants are responsible for noticing and arranging [his] depositions.”

8. Accordingly, Plaintiff Jackson’s request is improper, contrary to the previous rulings of this Court, and not permitted by the Federal Rules of Civil Procedure.

WHEREFORE, Defendants respectfully request that this Court deny Plaintiff’s *Letter to Court / Motion for Leave for Depositions Upon Oral Examination of All Named Plaintiffs*.

**STATE OF DELAWARE  
DEPARTMENT OF JUSTICE**

/s/ Catherine Damavandi  
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DATE: November 28, 2007

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Defendants.	)	

**CERTIFICATE OF SERVICE**

I hereby certify that on November 28, 2007, I electronically filed *Defendants' Response To Plaintiff's Letter to Court / Motion for Leave for Depositions Upon Oral Examination of All Named Plaintiffs* with the Clerk of Court using CM/ECF. I hereby certify that on November 28, 2007, I have mailed by United States Postal Service, the document to the non-registered parties on the attached list.

**STATE OF DELAWARE  
DEPARTMENT OF JUSTICE**

/s/ Catherine Damavandi  
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